

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 12, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Cook; Council Members: Friendt, McRoy, Seng, Svoboda, Werner, Joan Ross, City Clerk. Absent: Camp.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

SENG Having been appointed to read the minutes of the City Council proceedings of May 5, 2003, reported having done so, found same correct.

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

MAYOR'S AWARD OF EXCELLENCE

Mayor Don Wesely presented the April Mayor's Award of Excellence to Nicole Effle of the Health Department in the category of Productivity.

This matter was taken under advisement.

PUBLIC HEARING

MANAGER APPLICATION OF DAINA D. LAMMLE FOR CORPORATE GOLF MARKETING DBA "BUNKERS SPORTS BAR AND GRILL" AT 8901 AUGUST DRIVE - Daina D. Lammle, 8620 Old Cheney Rd., took oath and came forward to answer any questions. This matter was taken under advisement.

APPLICATION OF LORABELLE, INC. DBA "THE GRAPEVINE" FOR AN UPGRADE FROM A CLASS "I" TO A CLASS "C" LIQUOR LICENSE AT 2620 STOCKWELL STREET;
MANAGER APPLICATION OF LORABELLE M. HANSON FOR LORABELLE, INC. DBA "THE GRAPEVINE" AT 2620 STOCKWELL STREET - City Clerk stated the applicant has withdrawn the applications.

This matter was taken under advisement

APPLICATION OF LINCOLN HAYMARKET DEVELOPMENT CORP. FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN OUTSIDE AREA LOCATED SOUTH FROM THE ALLEY AT 7TH STREET BETWEEN P AND Q STREETS, P STREET FROM 7TH TO 8TH STREETS AND SOUTH FROM THE ALLEY ON 8TH STREET BETWEEN P AND Q STREETS ON JUNE 13 AND 14, 2003 FROM 5:00 P.M. TO 1:00 A.M. - Jennifer Stokes, 5640 Jade Court, President of the Lincoln Haymarket Development Corporation, came forward to answer any questions.

This matter was taken under advisement.

SPECIAL PERMIT 1998 - APPLICATION OF MJM REALTY TRUST GROUP TO CONSTRUCT A RECREATIONAL FACILITY WITH INDOOR AND OUTDOOR TENNIS COURTS, FITNESS/EXERCISE AREA, GYMNASIUM, LAP POOL, CHILDREN'S LEARNING CENTER, PRO SHOP AND CONCESSION AREA, WITH WAIVERS TO THE REQUIRED REAR YARD SETBACK AND TO EXCEED THE MAXIMUM ALLOWED HEIGHT IN THE AG DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND SOUTH STREET - Chairman Cook stated there is a substitute ordinance that may change the attitudes of those who are concerned about this issue and suggested that it be delayed for one week so the ordinance can be made available for anyone to see. He requested a motion to delay with public hearing continued and action for one week to 5/19/03.

SVOBODA So moved.

Seconded by Werner & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

Dave Northey, 2033 Manor Court, President of the Nebraska Tennis Center, came forward to explain his venture which is privately funded. It will be a family health club as well as a world class tennis facility.

Mike Marsh, 3740 Williamsburg Drive, President of the UNL Men's and Women's tennis team. He came forward in support of this project.

J. D. Burt, Design Assocs., 1609 N St., came forward to state that the concerns of the neighbors have been addressed and explained the

changes.

Jeff Goman, 3130 Jasper Court, came forward in support of this project.

Ray Hill, Planning Dept., stated that Planning Staff recommends approval based on the changes and explained what the changes were. Discussion followed.

Tom Tipton, 5716 Culwells Rd., came forward in support.

Rick Paine, 7421 Otoe Court, came forward in support.

Ken Tharp, 6355 Perry Circle, came forward in support.

Bill North, 6024 Kenwood Road, came forward in support.

Joan Stivers, 1620 S. 84th Street, came forward in opposition.

J. D. Burt, Design Assocs., 1609 N St., came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LINCOLN PUBLIC SCHOOLS TO CREATE AN ASSET BANKING PROGRAM TO ACCOUNT FOR SHARED SERVICES, ASSETS, FACILITIES, AND PROPERTY - Lynn Johnson, Director of Parks and Recreation Dept., stated this is a new arrangement with LPS to assist in co-locating facilities. The Comprehensive Plan states that schools and parks and community facilities should be co-located. The property will be exchanged at fair market value through the regular process that either entity has for surplus property and then that would become a credit on the exchanging parties side of the ledger.

Craig Groat, 4935 Huntington Avenue, came forward in support of this agreement.

This matter was taken under advisement.

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$28,123.29 FROM GENERAL FUNDS ACCOUNT 01001.5628 (DISCRETIONARY FUNDS - SENG) TO ACCOUNT 409387.6138 TO BE USED BY THE PARKS AND RECREATION DEPARTMENT FOR LANDSCAPE PLANTINGS AND REPLACING PARK AMENITIES - Lynn Johnson, Director of Parks and Recreation Dept., came forward to state that Council Member Seng has requested her discretionary fund be used to replace landscaping and enhance areas in public right-of-ways in the City of Lincoln. There are 10 identified areas.

This matter was taken under advisement.

AMENDING CHAPTER 14.80 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIDEWALK CONSTRUCTION BY AMENDING SECTION 14.80.010 TO DESIGNATE PERMITTED USES OF THE SPACE BETWEEN THE LOT LINE AND CURB (SIDEWALK SPACE) AND ADDING A NEW SECTION NUMBERED 14.80.015 TO PROVIDE FOR THE USE OF DECORATIVE GRAVEL OR ROCK MULCH IN THE SIDEWALK SPACE.(4/28/03 - CON'T. P.H. & ACTION DELAYED TO 5/12/03)(SUBSTITUTE ORDINANCE TO BE CONSIDERED TO AMEND SECTION 14.80.020 DESIGNATING USES ALLOWED WITH AND WITHOUT A SPECIAL PERMIT, AMENDING SECTION 14.92.040 TO INCLUDE NON ORGANIC MULCH.) - Craig Groat, 4935 Huntington Avenue, feels that this ordinance, as written, is open to a lot of abuses.

This matter was taken under advisement.

TOOK BREAK 2:40 P.M.

RECONVENED 2:49 P.M.

MISCELLANEOUS BUSINESS

Craig Groat, 4935 Huntington Avenue, proceeded to further inform the Council of the advantages of a Council/Manager form of government.

This matter was taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF DAINA D. LAMMLE FOR CORPORATE GOLF MARKETING DBA "BUNKERS SPORTS BAR AND GRILL" AT 8901 AUGUST DRIVE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82087 WHEREAS, Corporate Golf Marketing dba Bunkers Sports Bar and Grill located at 8901 August Drive, Lincoln, Nebraska has been approved for a Retail Class C liquor license, and now requests that Daina D. Lammle be named manager;

WHEREAS, Daina D. Lammle appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Daina D. Lammle be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

APPLICATION OF LORABELLE, INC. DBA "THE GRAPEVINE" FOR AN UPGRADE FROM A CLASS "I" TO A CLASS "C" LIQUOR LICENSE AT 2620 STOCKWELL STREET - PRIOR to reading:

SENG Moved to Withdraw this resolution.

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

The resolution, having been **WITHDRAWN**, was assigned File #38-4442, & placed on file in the Office of the City Clerk.

MANAGER APPLICATION OF LORABELLE M. HANSON FOR LORABELLE, INC. DBA "THE GRAPEVINE" AT 2620 STOCKWELL STREET - PRIOR to reading:

SENG Moved to Withdraw this resolution.

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

The resolution, having been **WITHDRAWN**, was assigned File #38-4443, & placed on file in the Office of the City Clerk.

APPLICATION OF ROBOCO INC. DBA "WASABI" FOR AN ADDITION TO ITS LICENSED PREMISES OF AN OUTDOOR AREA MEASURING APPROXIMATELY 10' X 34' TO THE NORTH - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82088 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Roboco Inc. dba Wasabi to expand its licensed premises by the addition of an outside area measuring approximately 10 feet by 34 feet to the north of the presently licensed premises located at 239 N. 14th Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by McRoy & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

APPLICATION OF LAMP AND MCTAGGART, INC. DBA "FAT NAPPY'S" FOR AN ADDITION TO ITS LICENSED PREMISES OF AN IRREGULAR SHAPED OUTDOOR AREA MEASURING APPROXIMATELY 70' X 125' TO THE SOUTH - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82089 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Lamp and McTaggart, Inc. dba Fat Nappy's to expand its licensed premises by the addition of an irregular shaped outdoor area

measuring approximately 70 feet by 125 feet to the south of the presently licensed premises located at 5100 N. 48th Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

APPLICATION OF LINCOLN HAYMARKET DEVELOPMENT CORP. FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN OUTSIDE AREA LOCATED SOUTH FROM THE ALLEY AT 7TH STREET BETWEEN P AND Q STREETS, P STREET FROM 7TH TO 8TH STREETS AND SOUTH FROM THE ALLEY ON 8TH STREET BETWEEN P AND Q STREETS ON JUNE 13 AND 14, 2003 FROM 5:00 P.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82090 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Lincoln Haymarket Development Corporation for a Special Designated License to cover an area located south from the alley at 7th Street between P and Q Streets, P Street from 7th to 8th Streets, and south from the alley on 8th Street between P and Q Streets, Lincoln, Nebraska, on June 13 and 14, 2002 between the hours of 5:00 p.m. and 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

ORDINANCES - 2ND READING

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND CATERPILLAR FINANCIAL SERVICES FOR A THREE-YEAR LEASE OF A FOUR-WHEEL ARTICULATED FRAME LOADER FOR USE BY THE PARKS AND RECREATION DEPARTMENT IN CONSTRUCTION AND MAINTENANCE PROJECTS - CLERK read the following ordinance, introduced by Terry Werner, approving a lease agreement between the City and Caterpillar Financial Services for a three-year lease of a four-wheel articulated frame loader for use by the Parks and Recreation Department in construction and maintenance projects, the second time.

CHANGE OF ZONE 3392 - APPLICATION OF ASPEN BUILDERS FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND WEST "A" STREET - CLERK read the following ordinance, introduced by Terry Werner, for Change of Zone 3392 the application of Aspen Builders for a Change of Zone from AGR Agricultural residential to R-3 Residential on property generally located at S.W. 27th Street and West "A" Street, the second time.

APPROVING A FOUR-YEAR AGREEMENT BETWEEN THE CITY AND ALLTEL FOR A 911 ANI/ALI DATABASE, SERVICE AND MAINTENANCE OF EQUIPMENT AT THE 911 COMMUNICATIONS CENTER, AND E-911 DISASTER RECOVERY - CLERK read the following ordinance, introduced by Terry Werner, approving a four-year agreement between the City and Alltel for a 911 Ani/Ali Database Service and maintenance of equipment at 911 Communications Center, and E-911 Disaster Recovery, the second time.

APPROVING A TRANSFER OF FUNDS WITHIN THE PARKS AND RECREATION DEPARTMENT CIP FOR INSTALLATION OF ADDITIONAL AREA LIGHTS IN OAK LAKE PARK PRIOR TO THE 4TH OF JULY FESTIVITIES AND TO ALLOW A VEGETATIVE GRASS COVER TO BE ESTABLISHED ON RECENTLY ACQUIRED PARK LAND LOCATED SOUTHEAST OF CODDINGTON AVENUE AND WEST VAN DORN STREET - CLERK read the following ordinance, introduced by Terry Werner, approving a transfer of funds within the Parks and Recreation Department CIP for installation of additional area lights in Oak Lake Park prior to the 4th of July Festivities and to allow a vegetative grass cover to be established on recently acquired park land located southeast of Coddington Avenue and West Van Dorn Street, the second time.

RESOLUTIONS

SPECIAL PERMIT 1998 - APPLICATION OF MJM REALTY TRUST GROUP TO CONSTRUCT A RECREATIONAL FACILITY WITH INDOOR AND OUTDOOR TENNIS COURTS, FITNESS/EXERCISE AREA, GYMNASIUM, LAP POOL, CHILDREN'S LEARNING CENTER, PRO SHOP AND CONCESSION AREA, WITH WAIVERS TO THE REQUIRED REAR YARD SETBACK AND TO EXCEED THE MAXIMUM ALLOWED HEIGHT IN THE AG DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND SOUTH STREET - PRIOR to reading:

SVOBODA Moved to continue public hearing w/action on 5/19/03.
Seconded by Werner & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF ASPEN RIDGE 1ST ADDITION FOR 30 RESIDENTIAL LOTS AND A WAIVER OF THE REQUIRED STREET TREES ALONG S.W. 27TH STREET, ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND WEST "A" STREET. (IN CONNECTION W/03-73) - PRIOR to reading:

SENG Moved to delay action for one week to 5/19/03.
Seconded by McRoy & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF APRIL 16 - 30, 2003 - CLERK read the following resolution, introduced by Ken Svoboda for Jon Camp who was absent, who moved its adoption:

A-82091 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated May 1, 2003, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
Neil & April Kringle and		Midwest Pump & Equipment Co.	\$ 320.00
Neil & April Kringle on behalf of		Paul Bartz	143.15
their minor child, Blake Kringle	\$1,000,000	Lairmore's Carpet & Vinyl	476.00
TransPaC Solutions/Columbia Insurance		Sara Flannigan	2,435.94
Group/Cheryl Priess Dickey School		Matt & Pam Bartling	468.38
of Dance	10,262.67	Donald W. Helmuth	1,617.00
Bobby & Angela Dasher, parents and			
next friend of Cody Dasher	1,000,000		
Warren B. Davis	330.00		
Tricia Essex	58.15		

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LINCOLN PUBLIC SCHOOLS TO CREATE AN ASSET BANKING PROGRAM TO ACCOUNT FOR SHARED SERVICES, ASSETS, FACILITIES, AND PROPERTY - CLERK read the following resolution, introduced by Coleen Seng for Jon Camp who was absent, who moved its adoption:

A-82092 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Interlocal Agreement between the City of Lincoln and Lancaster County School District 001 to create an asset banking program to account for shared services, assets, facilities, and property in accordance with the terms and conditions contained in said Agreement, is hereby approved

and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to Lynn Johnson for Transmittal to Lincoln Public Schools for its execution of the Agreement.

Introduced by Coleen Seng

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$28,123.29 FROM GENERAL FUNDS ACCOUNT 01001.5628 (DISCRETIONARY FUNDS - SENG) TO ACCOUNT 409387.6138 TO BE USED BY THE PARKS AND RECREATION DEPARTMENT FOR LANDSCAPE PLANTINGS AND REPLACING PARK AMENITIES - CLERK read the following resolution, introduced by Coleen Seng for Jon Camp who was absent, who moved its adoption:

A-82093 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That a transfer of appropriations in the amount of \$28,123.29 from General Fund, Account 01001.5628 (Discretionary Funds of Coleen Seng) to Parks and Recreation Department CIP Account 409387.6138, for the purpose of installing landscape plantings and replacing park amenities at the following locations:

Leighton Avenue/Huntington Avenue Spur - 44th to 33rd Streets
Touzalin Avenue - Adams Street to Havelock Avenue
Cotner Boulevard - Starr Street to Leighton Avenue
Sherwood Drive - 48th to Fremont Streets
49th and Francis traffic circle
Idylwild Drive - Orchard to Holdrege Streets
North 68th Street - Adams to Fremont Streets
48th and Adams Streets (turf only)
48th Street north of Holdrege Street
Holdrege and 47th Streets

hereby approved and the Finance Director is authorized to make such transfers upon passage of this resolution.

Introduced by Coleen Seng

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

SPECIAL PERMIT 2003 - APPLICATION OF BOYCE CONSTRUCTION TO DEVELOP 32 DWELLING UNITS, WITH A WAIVER OF THE DESIGN STANDARDS TO REDUCE THE REQUIRED STORM SEWER EASEMENT FROM 30' TO 20' ON PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET NORTH OF ADAMS STREET. (IN CONNECTION W/03-69) - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82095 WHEREAS, Joseph Knopp has submitted an application designated as Special Permit No. 2003 for authority to develop Unecede Place Community Unit Plan consisting of 32 dwelling units on property located at 70th Street north of Adams Street, and legally described to wit:

Lot 31 I.T., in the Southeast Quarter of Section 9, Township
10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster
County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Joseph Knopp, hereinafter referred to as "Permittee", to develop Unecede Place Community Unit Plan, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 32 dwelling units and modification of the design standards to reduce the required storm sewer easement from 30' to 20'.
2. Before receiving building permits:
 - a. The Permittee must submit an acceptable, revised, and reproducible final plan and six copies.
 - b. The construction plans must conform to the approved plans.
 - c. The Permittee must submit to the City Clerk a deed for the additional right-of-way for N. 70th Street and relinquish direct vehicular access except at the driveway location shown on the site plan for the community unit plan and pay the

recording fee in advance.

3. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.

4. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The Permittee shall complete or post a bond, escrow or security agreement approved by the City Law Department to guarantee the completion of the drainage facilities, landscape screens, and street trees, in conformance with the City Design Standards and within the time periods specified in the Land Subdivision Ordinance for said improvements.

7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, his successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Terry Werner

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

PETITIONS & COMMUNICATIONS

FORMAL PETITION TO VACATE PUBLIC WAY APPROXIMATELY 155' OF S.W. 32ND STREET FROM THE END OF A PROPOSED CUL-DE-SAC TO THE PROPERTY LINE SUBMITTED BY LARRY COFFEY PRESIDENT OF RAYMOND FARMS, LLC AND JEFFREY MELLEN OF EDM CORPORATION - CLERK presented said petition which was referred to the Law Dept.

FORMAL PETITION FOR RE-PAVING DISTRICT NO. 156 AT SOUTH CODDINGTON AVENUE AND WEST O STREET SOUTH APPROXIMATELY 1200 +/- FEET SUBMITTED BY GARY CHRISTENSEN - CLERK presented said petition which was referred to the Law Dept.

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FROM APRIL 28 THROUGH May 2, 2003 - CLERK read the following resolution, introduced by Coleen Seng for Jon Camp who was absent, moved its adoption:

A-82094 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Coleen Seng

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

REPORT OF CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF JANUARY - MARCH, 2003: ACCESSLINE COMM. CORP., AMERICAN FARM BUREAU, COMTECH 21, LLC, WINSTAR, PNG TELECOMMUNICATIONS, INC.; VOICESTREAM PCS; IDT CORPORATION; MARCH, 2003: NETIFICE, IBM GLOBAL, STAR NUMBER, GE BUSINESS PRODUCTION SOLUTIONS, UNITED SYSTEMS ACCESS, ALVON TECHNOLOGIES, QUANTUM SHIFT, ENHANCED COMM., TELIGENT SERVICES, XO LONG DISTANCE SERVICES, TRACPHONE WIRELESS, INC.,; WORKING ASSETS FUNDING SERVICE, INC.; VERIZON SELECT SERVICES, INC.; ONSTAR CORPORATION; GLOBAL CROSSING TELECOMMUNICATIONS; NEBRASKA TECHNOLOGY & TELECOMM., INC.; BELL ATLANTIC COMMUNICATIONS; ACN COMMUNICATIONS SERVICES, INC.; OPEX COMMUNICATIONS; TOUCH AMERICA; BROADWING TELECOMM., VIRGIN MOBILE USA; INTELICALL OPERATOR SERVICES; PRIMUS TELECOMM., INC.; TRANS NATIONAL COMM. INTERNATIONAL; QWEST COMMUNICATIONS, CORP.; AT&T COMM. OF MIDWEST; CRICKET COMMUNICATIONS, INC.; ALLTEL SYSTEMS OF THE MIDWEST, INC.; ALLTEL

NEBRASKA, INC.; ALLTEL COMMUNICATIONS OF NEBRASKA, INC.; SHAFFER COMMUNICATIONS, INC.; AND MCLEOD USA TELECOMMUNICATIONS SERVICES, INC. - CLERK presented said report which was placed on file in the Office of the City Clerk.
(20)

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON MAY 5, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS OF THE CITY OF LINCOLN IN AN AMOUNT NOT EXCEEDING \$21,000,000, AND DECLARING AN EMERGENCY. (REQUEST 2ND & 3RD READINGS 5/19/03) - CLERK read an ordinance, introduced by Jon Camp, authorizing and providing for the issuance of general obligation various purpose bonds of the City of Lincoln in an amount not exceeding \$21,000,000, and declaring an emergency, the first time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 50 ACRES OF PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND MORTON ROAD. (IN CONNECTION W/03R-123, 03R-116, 03R-117) - CLERK read an ordinance, introduced by Jon Camp, amending Section 20 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17906, passed August 27, 2001, prescribing and defining the corporate limits of the City of Lincoln, Nebraska; and repealing Section 20 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17906, passed August 27, 2001, as hitherto existing, the first time.

CHANGE OF ZONE 3403 - APPLICATION OF CORNHUSKER PLACE OF LINCOLN-LANCASTER COUNTY FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 7TH AND K STREETS - CLERK read an ordinance, introduced by Jon Camp, CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 3404 - APPLICATION OF SGS, L.L.C. DBA AUTO PLEX FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 27TH STREET AND FLETCHER AVE. (REQUEST TO HAVE 2ND & 3RD READING ON 5/19/03) - PRIOR to reading:

SVOBODA Moved to have 2nd & 3rd Reading on 5/19/03.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

CLERK Read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 3405 - AMENDING SECTION 27.81.010 OF THE LINCOLN MUNICIPAL CODE (THE ZONING ORDINANCE) TO REVISE THE LAND SIZE THRESHOLD AT WHICH APPROVED EROSION AND SEDIMENT CONTROL PLANS ARE REQUIRED FROM TWO ACRES TO ONE ACRE, AND TO CLARIFY PROVISIONS RELATED TO SEDIMENT IN THE PUBLIC RIGHT-OF-WAY. (IN CONNECTION W/03-81, 03R-124) - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.81.010 of the Lincoln Municipal Code to revise the land size threshold at which approved erosion and sediment control plans are required from two acres to one acre; and repealing Section 27.81.010 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTIONS 26.11.038, 26.23.190, 26.27.060, AND 26.31.040 OF THE LINCOLN MUNICIPAL CODE (THE LAND SUBDIVISION ORDINANCE) TO REVISE THE LAND SIZE THRESHOLD AT WHICH APPROVED EROSION AND SEDIMENT CONTROL PLANS ARE REQUIRED FROM TWO ACRES TO ONE ACRE, AND TO CLARIFY PROVISIONS RELATED TO SEDIMENT IN THE PUBLIC RIGHT-OF-WAY. (IN CONNECTION W/03-80, 03R-124) - CLERK read an

ordinance, introduced by Jon Camp, amending Title 26 of the Lincoln Municipal Code, the Land Subdivision Ordinance, by amending Sections 26.11.038, 26.23.190, and 26.27.060 to revise the land size threshold at which approved erosion and sediment control plans are required from two acres to one acre; amending Section 26.31.040 to clarify provisions related to sediment in the public right-of-way; and repealing Sections 26.11.038, 26.23.190, 26.27.060, and 26.31.040 of the Lincoln Municipal Code as hitherto existing, the first time.

VACATING S.W. 13TH STREET FROM THE SOUTH LINE OF WEST "O" STREET TO THE NORTH LINE OF LOT 41 I.T. IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA. (REQUEST FOR 2ND & 3RD READINGS 5/19/03) - CLERK read an ordinance, introduced by Jon Camp, vacating S.W. 13th Street from the south line of West O Street to the north line of Lot 41 I.T., in the Northeast Quarter of Section 28, Township 10 North, Range 6 East of the 6th P.M., and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

ORDINANCES - 3RD READING

AMENDING CHAPTER 14.80 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIDEWALK CONSTRUCTION BY AMENDING SECTION 14.80.010 TO DESIGNATE PERMITTED USES OF THE SPACE BETWEEN THE LOT LINE AND CURB (SIDEWALK SPACE) AND ADDING A NEW SECTION NUMBERED 14.80.015 TO PROVIDE FOR THE USE OF DECORATIVE GRAVEL OR ROCK MULCH IN THE SIDEWALK SPACE. (4/28/03 - CON'T. P.H. & ACTION DELAYED TO 5/12/03) (SUBSTITUTE ORDINANCE TO BE CONSIDERED TO AMEND SECTION 14.80.020 DESIGNATING USES ALLOWED WITH AND WITHOUT A SPECIAL PERMIT, AMENDING SECTION 14.92.040 TO INCLUDE NON ORGANIC MULCH.) - PRIOR to reading:

MCROY Moved to accept Substitute Ordinance #2.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

CLERK Read the following ordinance, introduced by Annette McRoy, amending Chapter 14.80 of the Lincoln Municipal Code relating to Sidewalk Construction by amending Section 14.80.010 to designate permitted uses of the space between the lot line and curb (sidewalk space); amending Section 14.80.020 to establish uses of the space between the sidewalk and curb that are allowed with or without special permit; amending Section 14.92.040 to address gravel and rock mulch outside the permitted area; and repealing Sections 14.80.010, 14.80.020, and 14.92.040 of the Lincoln Municipal Code as hitherto existing, the third time.

MCROY Moved to accept the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

The ordinance, being numbered **#18173**, is recorded in Ordinance Book 25, Page

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO PREGNANCY LEAVE AND REPRIMAND TO BE CONSISTENT WITH FEDERAL REGULATIONS AND TO INCLUDE EMPLOYEES NOT COVERED BY A UNION AGREEMENT - CLERK read the following ordinance, introduced by Ken Svoboda, amending Chapter 2.76 of the Lincoln Municipal Code relating to pregnancy leave and reprimand to be consistent with Federal regulations and to include employees not covered by a union agreement, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

The ordinance, being numbered **#18174**, is recorded in Ordinance Book 25, Page

CHANGE OF ZONE 3402 - APPLICATION OF DR. DALE CAPEK FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 48TH AND F STREETS - CLERK read the following ordinance, introduced by Ken Svoboda, for Change of Zone 3402 - Application of Dr. Dale Capek for a Change of Zone from R-2 residential district to O-2 Suburban Office District on property generally located northwest of the intersection of South 48th and F Streets, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

The ordinance, being numbered **#18175**, is recorded in Ordinance Book 25, Page

DECLARING APPROXIMATELY 1.2 ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SUPERIOR STREET AND LEWIS AVENUE AS SURPLUS AND AUTHORIZING THE SALE THEREOF - CLERK read the following ordinance, introduced by Ken Svoboda,

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declaring approximately 1.2 acres of property generally located at the Southwest corner of Superior and Lewis Avenue as surplus and authorizing the sale thereof, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

The ordinance, being numbered **#18176**, is recorded in Ordinance Book 25, Page

CHANGE OF ZONE 3396 - APPLICATION OF BOYCE CONSTRUCTION FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET NORTH OF ADAMS STREET. (IN CONNECTION W/03R-107) - CLERK read the following ordinance, introduced by Ken Svoboda, for Change of Zone 3396 - Application of Boyce Construction for a Change of Zone from R-2 residential district to R-4 residential district on property generally located at north 70th Street north of Adams Street, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

The ordinance, being numbered **#18177**, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to May 19, 2003.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

UPCOMING RESOLUTIONS -

APPROVING THE APPOINTMENT OF SÄNDRA WASHINGTON TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION TO FULFILL THE UNEXPIRED TERM OF PATTE NEWMAN FOR A TERM EXPIRING AUGUST 24, 2005 - CLERK requested a motion to add the appointment of Sändra Washington to the Lincoln-Lancaster County Planning Commission to the upcoming resolutions for public hearing and action on 5/19/03.

FRIENDT So moved

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

SVOBODA Moved to approve the resolutions to have Public Hearing on May 19, 2003.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

ADJOURNMENT

3:08 P.M.

SVOBODA Moved to adjourn the City Council meeting of May 12, 2003.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.
So ordered.

Joan Ross, City Clerk

Judy Roscoe, Senior Office Assistant

